

Office of the Secretary
MEDICAL CARE OF U.S. EMPLOYEES
OVERSEAS AND THEIR DEPENDENTS
Special Reimbursement Rates

Pursuant to the authority provided in 24 U.S.C. 34, as implemented by Executive Order No. 11116, August 5, 1963, special reimbursement rates for medical care of U.S. employees overseas and their dependents were put into effect on January 1, 1964. Because of increases in the cost of providing medical care, changes in international economic conditions, and improvements in the Federal Employees Health Benefits Program such blanket rates are no longer valid and are in need of revision. Pursuant to the authority delegated to the Secretary of Defense by Executive Order No. 11609, July 22, 1971, as amended, the special reimbursement rates for medical care provided to employees of the United States, and their dependents by hospitals and dispensaries overseas are revised as follows:

For inpatient care, of employees of the United States who are not citizens of the United States and their dependents (This rate is now paid by employees who are citizens) \$168.00 per day.

For each outpatient treatment, examination, or consultation of employees of the United States and their dependents (This rate is now paid by employees in the United States) \$20.00 per visit.

(The revised reimbursement rates provided above become effective April 1, 1977, except where local union contracts or agreements with foreign governments are in effect which incorporate the old rates of reimbursement. The contracts and agreements will be honored until expiration. Requests for special rates due to unusual circumstances shall be submitted by overseas commanders to the Assistant Secretary of Defense (Comptroller) for review and approval.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

NOVEMBER 15, 1976.

[FR Doc.76-34149 Filed 11-18-76;8:45 am]

Office of the Secretary
DEFENSE INTELLIGENCE AGENCY
SCIENTIFIC ADVISORY COMMITTEE
Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Thursday, 16 December 1976, Pomponio Plaza, Rosslyn, VA.

The entire meeting commencing at 0830 hours is devoted to the discussion of classified information as defined in Section 552(b) (1), Title 5 of the U.S. Code and therefore will be closed to the public. The Panel will receive briefings and participate in discussions relative to the Defense Intelligence Agency's assess-

ments of foreign military equipment, operations, and capabilities.

Dated: November 16, 1976.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, OASD (Comptroller).
 [FR Doc.76-34187 Filed 11-18-76;8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[FRL 646-3; OPP-33000/478 & 479]

RECEIPT OF APPLICATION FOR
PESTICIDE REGISTRATION

Data to be Considered in Support of
Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c) (1) (D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington, DC 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he de-

veloped and submitted to ERA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
 PM 21 & 22—202/426-2454
 PM 24—202/755-2196
 PM 31—202/426-2635
 PM 33—202/755-9041
 PM 15, 16, & 17—202/426-9425
 PM 23—202/755-1397
 PM 25—202/426-2632
 PM 32—202/426-9486
 PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before January 18, 1977. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before December 20, 1976.

Dated: November 15, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/478)
 EPA Reg. No. 275-21. Chemical Division, Abbott Laboratories, 14th and Sheridan Rd., North Chicago IL 60064. AMICAL-48. Active Ingredients: Diiodomethyl paratolyl sulfone 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM33
 EPA File Symbol 352-GIN. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Wilmington DE 19898. LANNATE D METHOMYL INSECTICIDE DUST. Active Ingredients: Methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate) 2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA File Symbol 352-GIR. E. I. Du Pont De Nemours & Co., Inc. LANNATE 5-D METHOMYL INSECTICIDE DUST. Active Ingredients: Methomyl (S-methyl N-[methylcarbamoyl]oxy]thioacetimidate 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 499-160. Whitmire Research, Inc., 3568 Tree Court Industrial Blvd., St. Louis MO 63122. NO. 110 AEROSOL GENERATOR. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate 1.000%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM17

EPA Reg. No. 961-277. Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. LEANON TURF FUNGICIDE. Active Ingredients: Chlorothalonil (Tetrachloroisophthalonitrile) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 1526-428. Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. AGRO-CHEM BRAND MALATHION 5 DUST. Active Ingredients: Malathion 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 1763-E. Fields Point Chemical, Inc., PO Box 2095, Edgewood Station, Providence RI 02905. SODIUM HYPOCHLORITE SOLUTION FOR INDUSTRIAL USE ONLY. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. Application for reregistration. PM34

EPA Reg. No. 2290-38. The Terre Co. of New Jersey, Inc., 1 Samson St., Saddle Brook NJ 07662. DURSABAN LAWN INSECTICIDE GRANULES FOR PROFESSIONAL USE ONLY. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 2.32%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. Added use and new method of support. PM12

EPA Reg. No. 3125-122. Chemagro Corp., PO Box 4913, Kansas City MO 64120. BAYGON SPRAY CONCENTRATE INSECTICIDE. Active Ingredients: O-Isopropoxyphenyl Methylcarbamate 17.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 3125-146. Chemagro Corp. BAYGON 70% WETTABLE POWDER INSECTICIDE. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 70%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. Republished: added use.

EPA Reg. No. 3125-156. Chemagro Corp. BAYGON 70% WETTABLE POWDER INSECTICIDE. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 70.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. Republished: Added uses.

EPA Reg. No. 3125-214. Chemagro Corp. BAYGON 1.5 EMULSIFIABLE INSECTICIDE. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 13.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA File Symbol 3298-EI. Murd Co., 1945 Philip St., Philadelphia PA 19122. ZURD RESIDUAL CRAWLING INSECT KILLER. Active Ingredients: o-isopropoxyphenyl methylcarbamate 1.0%; Petroleum distillate 84.0%. Method of Support: Appli-

cation proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 6720-59. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. DURSABAN 2E INSECTICIDE. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 23.5%; Aromatic petroleum derivative solvent 14.9%; Xylene 54.9%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 6962-UU. Madison Bionics, 11250 W. Addison St., Franklin Park IL 60131. CHEMPLEX. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethylbenzyl ammonium chlorides 1.6%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium carbonate 3.0%; Tetrasodium ethylene diamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7296-RU. Gem City Chemicals, Inc., 1287 Air City Ave., Dayton OH 45404. CUPRI-PELS POOL WINTERIZER. Active Ingredients: Copper Sulfate (Pentahydrate) Copper as Metallic (25.2%) 99%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 8329-RN. Clark Outdoor Spraying Co., Inc., 7N570 Garden Ave., Roselle IL 60172. CLARKE SKEETER SLUGS. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 8590-252. Agway, Inc., Fertilizer Chemical Div., Box 1333, Syracuse NY 13201. AGWAY LAWN SHIELD CRABGRASS KILLER WITH TUPERSAN. Active Ingredients: Siduron [1-(2-methylecyclohexyl)-3-phenylurea] 6.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 8730-RR. Herculite Protective Fabrics Corp., A Subsidiary of Health-Chem Corp., 1107 Broadway, New York NY 10010. INSECTAPE. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 8959-EN. Applied Biochemists, Inc., 5300 W. County Line Rd., Mequon WI 53092. CUTRINE-PLUS II ALGAEICIDE. Active Ingredients: Copper as elemental 10.88%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 11661-R. Hot Bug Organic Pesticides Sales & Services, PO Box 8274, Long Beach CA 90808. HOT BUG PESTICIDE KILLS ADULT SPIDER MITES, SALT MARSH LARVAE. Active Ingredients: Borax 2.09%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA File Symbol 11661-E. Hot Bug Organic Pesticides Sales & Services. HOT BUG PESTICIDE KILLS COCKROACHES. Active Ingredients: Borax 3.28%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA File Symbol 11661-L. Hot Bug Organic Pesticide Sales & Services. HOT BUG PESTICIDE KILLS HOUSEFLIES, MOSQUITOS. Active Ingredients: Borax 3.28%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA File Symbol 11687-OG. Transvaal, Inc., Suite 3200, Clark Tower, 5100 Poplar Ave., Memphis TN 38137. TRANSVAAL WEED-RHAP MCPA-6-A. Active Ingredients: Dimethylamine salt of 2-methyl-4-chloro-

phenoxyacetic acid 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 15749-E. Vermillion Chemical Service, Inc., 1306 Charity St., Abbeville, LA 70510. VERMILLON Q.A.C. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 15749-G. Vermillion Chemical Service, Inc. V.C. ALGA-WAY. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 20954-A. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. STARBAR BLOCK IGR CATTLE SUPPLEMENT. Active Ingredients: methoprene [Isopropyl (E,E)-11-methoxy-3, 7-11-trimethyl-2, 4-dodecadienoate] 0.01%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 27586-1. U.S. Forest Service, (1205-B LRPE), 14th & Independence Ave., SW, Washington DC 20250. TM BIOCONTROL-1 BIOLOGICAL INSECTICIDE FOR THE DOUGLAS-FIR TUSSECK MOTH. Active Ingredients: (Polyhedral inclusion bodies of Douglas-fir tussock moth nucleopolyhedrosis virus) 3.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. 34429-4. American Chemical Corp., PO Box 296, Buaymon PR 00619. SUPER KILLER PRESSURIZED SPRAY. Active Ingredients: Petroleum distillates 68.054%; N-Octyl bicycloheptane dicarboximide 0.840%; Technical Piperonyl Butoxide 0.504%; Pyrethrins 0.252%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 36531-4. The Friar Co., 4440 Fifth St. Rd., PO Box 109, Lavalette WV 25535. SHILLELAGH 211. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36636-R. Perc Serv., Inc., 2235 Chestnut St., Oakland CA 94607. PSI MILDEW CONTROL. Active Ingredients: Didecyl dimethyl ammonium chloride 40%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 38053-E. Leo Ind., Inc., 1750 W. 75th Pl., Chicago IL 60620. LEO QUAT 450 NP DISINFECTANT CLEANER, MINT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 38515-R. Dabco, 3402 Dean St., Naples FL 33940. DABCO. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38621-R. Foster Manufacturing, Inc., 1577 First St., Coachella CA 92236. EAGLE METHYL BROMIDE. Active Ingredients: Methyl Bromide 99.75%; Chloropierin 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 39508-R. New Mexico Dept. of Agriculture, PO Box 3189, Las Cruces NM 88003. M-44 CYANIDE CAPSULES. Active Ingredients: Sodium Cyanide 88.78%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

APPLICATIONS RECEIVED (OPP-33000/479)

EPA Reg. No. 239-2337. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO CRAB GRASS PREVENTER PLUS LAWN FOOD 19-3-3. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-mercaptoethyl)benzenesulfonamide 4.35%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 239-2338. Chevron Chemical Co., ORTHO CRAB GRASS PREVENTER PLUS LAWN AND DICHONDRAL FOOD: Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-mercaptoethyl)benzenesulfonamide 5.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 323-LG. J. I. Holcomb Mfg. Co., 4415 Euclid Ave., Cleveland OH 44103. HOLCOMB SWIMMING POOL ALGAE-CIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 323-LU. J. I. Holcomb Mfg. Co., LIQUID SANITIZER. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 449-227. Techne Corp., c/o Regulatory Affairs Dept., Farmland Ind., Inc., P.O. Box 7305, Kansas City MO 64116. TECHNE LAWN GUARD. Active Ingredients: Dimethyl tetrachloroterephthalate (Dacthal (R)) 1.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 464-LUR. Dow Chemical Co., P.O. Box 1706, Midland MI 48640. TOR-DON 5K PELLETS HERBICIDE. Active Ingredients: Picloram (4-amino-3,5,6-trichloropicolinic acid) potassium salt 5.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 524-80. Monsanto Co., Agricultural Products, 800 N. Lindbergh Blvd., St. Louis MO 63166. MCP AMINE. Active Ingredients: Dimethylamine salt of 2-Methyl-4-Chlorophenoxyacetic acid 52.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 524-GEE. Monsanto Co., MCP AMINE. Active Ingredients: Dimethylamine salt of 2-Methyl-4-Chlorophenoxyacetic acid 52.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 538-11. O. M. Scott & Sons, Marysville OH 43040. SCOTTS HALTS BRAND CRABGRASS PREVENTER. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-Mercaptoethyl)benzenesulfonamide 11%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 538-26. O. M. Scott & Sons. SCOTTS PROTURF BRAND. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-Mercaptoethyl)

benzenesulfonamide 8.50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 538-37. O. M. Scott & Sons. SCOTTS PROTURF BRAND 28-0-7 FERTILIZER WITH WEEDGRASS PREVENTER. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-Mercaptoethyl)benzenesulfonamide 9.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 538-53. O. M. Scott & Sons. SCOTTS SUPER HALTS PLUS BRAND CRABGRASS PREVENTER PLUS LAWN FERTILIZER. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-Mercaptoethyl)benzenesulfonamide 4.60%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 538-58. O. M. Scott & Sons. TURF BUILDER PLUS HALTS CRABGRASS PREVENTER PLUS LAWN FERTILIZER. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-Mercaptoethyl)benzenesulfonamide 5.60%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 538-177. O. M. Scott & Sons. SUPER TURF BUILDER PLUS HALTS CRABGRASS PREVENTER PLUS LAWN FERTILIZER. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-Mercaptoethyl)benzenesulfonamide 5.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 538-129. O. M. Scott & Sons. SCOTTS PROTURF BRAND 32-4-4. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-Mercaptoethyl)benzenesulfonamide 5.20%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 538-137. O. M. Scott & Sons. SCOTTS PROTURF (R) BRAND 26-0-12. Active Ingredients: S-(0,0-Diisopropylphosphorodithioate) ester of N-(2-Mercaptoethyl)benzenesulfonamide 7.80%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 554-60. Agsco, Inc., P.O. Box 458, Grand Forks ND 58201. MCP AMINE HERBICIDE. Active Ingredients: Dimethylamine Salt of 2-Methyl-4-chlorophenoxyacetic acid 52.47%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 554-123. Agsco, Inc. AGSCO MA HERBICIDE. Active Ingredients: Diethanolamine Salt of 2-Methyl-4-chlorophenoxyacetic acid 62.33%. Method of Support: Application proceeds under 2(b) of interim policy. Application for registration. PM23

EPA Reg. No. 554-125. Agsco, Inc. AGSCO MXL HERBICIDE. Active Ingredients: 2-Methyl-4-chlorophenoxyacetic acid Isooctyl ester 75.08%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 900-RRR. Chemical Service, Div. of American Chemmate Corp., Howard & West Sts., Baltimore MD 21230. CREAMY BACTERIOSTATIC CLEANER. Active Ingredients: Ammonium Oxalate 1.30%; 2,2'-Methylenebis (3,4,6-Trichlorophenol) 0.30%; Ammonium Ethylene Diamine Tetraacetate 0.20%; 2,4,4'-Trichloro-2'-hydroxydiphenylether 0.10%; Ammonium Ortho Phenylphenate 0.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 900-RRE. Chemical Service. CREME-BRITE BACTERIOSTATIC CLEANER. Active Ingredients: Ammonium Oxalate 1.30%; 2,2'-Methylenebis (3,4,6-Trichlorophenol) 0.30%; Ammonium Ethylene Diamine Tetraacetate 0.20%; 2,4,4'-Trichloro-2'-hydroxydiphenylether 0.10%; Ammonium Ortho Phenylphenate 0.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 900-RRG. Chemical Service. LEMON BACTERIOSTATIC CREME CLEANER. Active Ingredients: Ammonium Oxalate 1.30%; 2,2'-Methylenebis (3,4,6-Trichlorophenol) 0.30%; Ammonium Ethylene Diamine Tetraacetate 0.20%; 2,4,4'-Trichloro-2'-hydroxydiphenylether 0.10%; Ammonium Ortho Phenylphenate 0.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 904-146. B. G. Pratt Div., Gabriel Chemicals Ltd., 204 21st Ave., Paterson NJ 07509. PRATT DANDELION DESTROYER. Active Ingredients: Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 3.43%; Dimethylamine salts of Related Acids 0.55%; Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 17.22%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 904-195. B. G. Pratt Div. PRATT TURF HERBICIDE 10,000. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 12.88%; Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 5.84%; Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 1.34%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

[FR Doc.76-34121 Filed 11-18-76; 8:45 am]

[FRL 646-4; OPP-33000/480]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1) (D) of FIFRA, as set out in the Interim Policy Statement, which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data,

the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington DC 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data be developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before January 18, 1976. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and

assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before December 20, 1976.

Dated: November 11, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/480)
EPA Reg. No. 602-87. Ralston Purina Co., Checkerboard Square, St. Louis MO 63188. PURINA MALATHION DUST. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
EPA Reg. No. 602-227. Ralston Purina Co., PURINA HOG AND CATTLE DUSTING POWDER. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
EPA File Symbol 1266-RTR. Malter International, Inc., PO Box 6099, New Orleans, LA 70114. KNOX OUT II INSECTICIDE SPRAY. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(b) of interim policy. PM17
EPA Reg. No. 1598-90. FCX, Inc., 121 E. Davis St., PO Box 2419, Raleigh, NC 27602. FER-BAM NO. 10 DUST FUNGICIDE. Active Ingredients: Ferbam (ferric dimethyl dithiocarbamate) 11.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21
EPA Reg. No. 1685-45. State Chemical Manufacturing Co., 3100 Hamilton Ave., Cleveland, OH 44114. STATE FORMULA 219 SURE-KIL SELECTIVE WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 26.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
EPA Reg. No. 1990-147. Farmland Industries, Inc., c/o Regulatory Affairs Dept., PO Box 7305, Kansas City, MO 64116. CO-OP BIG 3 LAWN FERTILIZER. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 1.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
EPA Reg. No. 2124-192. W. R. Grace & Co., Agricultural Chemicals, Box 277, Memphis, TN 38101. NACO MALATHION 4 DUST. Active Ingredients: O,O-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate (Malathion) 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
EPA Reg. No. 2124-404. W. R. Grace & Co., NACO MALATHION 25% WETTABLE POWDER. Active Ingredients: O,O-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate (Malathion) 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
EPA Reg. No. 2124-588. W. R. Grace & Co., NACO MALATHION 5 DUST. Active Ingredients: O,O-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate (Malathion) 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
EPA Reg. No. 2136-27. J. L. Hoffman Co., Inc., 1415 Court St., Allentown PA 18102. HOFFMAN'S LOUSE KILLER. Active Ingredients: Malathion (O,O-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 4%; Sulfur 20%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2136-28. J. L. Hoffman Co., Inc. HOFFMAN'S MALATHION 4 DUST. Active Ingredients: Malathion (O,O-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2459-181. Stevens Industries, Inc., Box 272, Dawson GA 31742. MASTER BRAND 5% MALATHION DUST. Active Ingredients: Malathion 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2491-139. Koos, Inc., 4500 13th St., Kenosha WI 53140. HOLIDAY CRAB-GRASS PREVENTER. Active Ingredients: Dimethyl ester of Tetrachloroterephthalic Acid 5.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 3160-UR. Davis Manufacturing Co., Inc., 1023 Morales St., San Antonio TX 78206. DACIDE CONCENTRATE 5776. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 3743-64. Southern Agricultural Chemicals, Inc., PO Box 527, Kingstree SC 29556. 4% MALATHION DUST WITH SULFUR. Active Ingredients: Malathion 4%; Sulfur 18%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 3770-188. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. MBC NON-SELECTIVE GRANULAR HERBICIDE CONTROLS BROADLEAF AND GRASSY WEEDS. Active Ingredients: Sodium Chlorate (NaClO₃) 30%; Sodium Metaborate Tetrahydrate (Na₂B₄O₇ · 4H₂O) 68%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 5602-17. Hub States Corp., 2000 N. Illinois St., Indianapolis IN 46204. MALATHION 5% DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 5813-RL. The Clorox Co., PO Box 493, Pleasanton CA 94566. CLOROX DISINFECTANT CLEANER. Active Ingredients: Sodium dichloro-s-triazinetri-oxide Dihydrate 3.00%; Trisodium phosphate, anhydrous 9.71%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 6378-EA. Lab Automated Chemicals, Div. of American Cheminate Corp., Howard & West Sts., Baltimore MD 21230. LAB BRITE-CREME. Active Ingredients: Ammonium Oxalate 1.30%; 2,2'-Methylenbis (3,4,6-Trichlorophenol) 0.30%; Ammonium Ethylene Diamine Tetraacetate 0.20%; 2,4,4'-Trichloro-2'-hydroxydiphenylether 0.10%; Ammonium Ortho Phenylphenate 0.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 6720-EAT. Southern Mill Creek Products Co., Inc., Box 1096, Tampa FL 33601. SMCP SBP-1382 2% CONCENTRATE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 2.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 6735-201. Tide Products, Inc., Box 1020, Edinburg TX 78533. TIDE MALATHION 5 DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 6962-LR. Madison Bionics, 11250 W. Addison St., Franklin Park, IL 60131. PROPER. Active Ingredients: Ammonium Oxalate 1.30%; 2,2'-Methylenebis (3,4,6-Trichlorophenol) 0.30%; Ammonium Ethylene Diamine Tetraacetate 0.20%; 2,4,4'-Trichloro-2'-hydroxydiphenylether 0.10%; Ammonium Ortho Phenylphenate 0.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 6962-LE. Madison Bionics. DISINFECTANT 4045. Active Ingredients: Isopropanol 15.00%; Potassium orthophenylphenate 4.40%; Potassium o-benzyl-p-chlorophenolate 4.05%; Tetrasodium ethylenediamine tetraacetate 1.80%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 8075-A. Allen Chemical Co., 3235 N. W. 37th St., Miami FL 33142. ALCO TOWER BIOCIDES #13. Active Ingredients: Disodium cyanodithiomidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc. 76-34122 Filed 11-18-76; 8:45 am]

[FRL 646-5]

PEST CONTROL DEVICES AND DEVICE PRODUCERS

Consolidation and Clarification of Requirements

I. PURPOSE

• Requirements applicable to pest control devices and device producers have been set forth in various regulations promulgated pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.) ("FIFRA" or "the Act"). The purpose of this notice is to provide a consolidation and clarification of all such requirements. •

II. DEFINITIONS

At section 2(h) of FIFRA (7 U.S.C. 136 (h)) the term "device" is defined to mean:

*** any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

To more clearly identify the types of products to which the requirements discussed in this Notice apply, the term "device" must be contrasted with the term "pesticide," which is defined at section 2(u) of FIFRA to mean:

*** any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as plant regulator, defoliant, or desiccant.

Thus, if an article uses physical or mechanical means to trap, destroy, repel, or mitigate any plant or animal life declared to be a pest at 40 CFR 162.14, it is considered to be a device. If the article incorporates a substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, it is considered to be a pesticide.

III. DEVICES SUBJECT TO THE ACT

Section 25(c) (4) of FIFRA (7 U.S.C. 136w(c) (4)) provides that the Administrator may specify those classes of devices which shall be subject to any provision of paragraph 2(q) (1) (7 U.S.C. 136(q) (1)) or section 7 (7 U.S.C. 136e) of this Act upon his determination that application of such provision is necessary to effectuate the purposes of this Act. On July 3, 1975, the Administrator promulgated regulations (40 F.R. 28242) amending 40 CFR Part 162 pursuant to this authority. 40 CFR 162.15 now provides that devices as defined in FIFRA section 2(h) are subject to the requirements of FIFRA section 2(q) (1) (A)-(G) and to those provisions of FIFRA section 7 which are necessary to effectuate the purposes of FIFRA with respect to devices.

The preamble to these regulations at 40 F.R. 28266 declared that to effectuate the purposes of the Act, devices subject to sections 2(q) (1) and 7 include but are not limited to:

(A) Certain ultraviolet light systems, ozone generators, water filters and air filters (except those containing substances or mixtures of substances which are pesticides), and ultrasonic devices, for which claims are made to kill, inactivate, entrap, or suppress the growth of fungi, bacteria, or viruses in various sites; (B) certain high frequency sound generators, carbide cannons, foils, and rotating devices, for which claims are made to repel birds; (C) black light traps, fly traps, electronic and heat screens, fly ribbons, and fly paper, for which claims are made to kill or entrap certain insects; and (D) mole thumpers, sound repellents, foils and rotating devices, for which claims are made to repel certain mammals.

The preamble further specifies those instruments declared to be of a character unnecessary to be subject to this Act in order to carry out the purposes of the Act. These include:

(1) Those which depend for their effectiveness more upon the performance of the person using the device than on the performance of the device itself, and

(2) Those which operate to entrap vertebrate animals.

Products generally falling within these two categories include rat and mouse traps, fly swatters, tillage equipment for weed control and fish traps.

Section 8 of FIFRA (7 U.S.C. 136f) provides for such record-keeping and record inspection requirements as the Administrator determines necessary for effective enforcement of the Act. Section 17 specifies the requirements to be placed on the import and export of devices. In neither of these sections is there a provision that the Administrator declare those classes of devices subject to these sections of the Act; and in the attendant

regulations, no specification is made. For purposes of enforcement, the Agency will consider those classes of devices declared to be subject to regulation under section 25(c) (4) of the Act as subject to regulation under sections 8 and 17 as well.

IV. SUMMARY OF FIFRA PROVISIONS APPLICABLE TO DEVICES

Any instrument declared to be a device under 40 CFR 162.15 is, upon introduction into channels of trade, subject to the provisions discussed below. Those provisions of the amended FIFRA which pertain to devices are in many respects similar to those under the 1947 FIFRA (61 Stat. 163; 7 U.S.C. 135-135k). In both Acts the Agency is authorized to inspect records showing the delivery, movement, or holding of devices (7 U.S.C. 135c, 136f); to obtain samples of any device in the marketplace (7 U.S.C. 135d, 136g); to seize any misbranded device (7 U.S.C. 135g, 136k); to initiate criminal proceedings against any person violating any provision of the Act (7 U.S.C. 135f, 136i); and, in cooperation with the Secretary of the Treasury, to sample, examine, and detain any imported device which violates the provisions of the Act (7 U.S.C. 135h, 136o).

The differences in the provisions of the two Acts with respect to requirements applicable to devices, lie primarily in the greater specification of jurisdiction and regulatory requirements provided by the 1972 amendments. For example, while a device, unlike a pesticide, is not subject to the section 3 registration requirement of FIFRA, section 12 of the Act makes clear the intent of the Act that subject devices and persons dealing with devices be held responsible for those obligations, other than registration, that are imposed by the Act. Jurisdiction to regulate devices is expanded to intra- as well as interstate commerce (7 U.S.C. 136(a) (1)). Similarly, section 9(a) of the amended FIFRA specifies that entry for the purpose of inspecting and obtaining samples of devices "packaged, labeled, and released for shipment is permitted into "any establishment or other place where *** devices are held for distribution or sale (7 U.S.C. 136g(a)).

With respect to affirmative regulatory requirements, section 2(q) (1) of the amended FIFRA expands the definition of misbranding as it applies to devices subject to the Act (7 U.S.C. 136(q) (1)). Section 7 of the amended FIFRA is totally new, requiring the registration of establishments which produce devices declared subject to the Act (7 U.S.C. 136e). In addition to the provisions of the Act allowing the inspection of records kept by producers and distributors of devices, section 8(a) of the amended FIFRA requires producers of devices subject to the Act to maintain such books and records as the Administrator requires by regulation (7 U.S.C. 136f(a)). Finally, section 17(a) of FIFRA, as amended, specifically imposes the same recordkeeping requirements on producers of devices intended for export by making such producers subject to the requirements of section 8.

V. ELABORATION OF SPECIFIC REQUIREMENTS APPLICABLE TO DEVICES

A. Section 2(q)(1), *Misbranding Provisions* (7 U.S.C. 136(q)(1)). With promulgation of the regulations at 40 CFR 162.15, which invoked the authority of section 25(c)(4) to specify devices subject to sections 2(q) and 7 of the Act, the labeling requirements of the 1947 FIFRA to which devices had been subject were expanded (7 U.S.C. 135(z)(1)). Those misbranding provisions of section 2(q)(1) of the amended FIFRA which the Administrator has made applicable to devices are listed at 40 CFR Part 162.15(b). In summary, a device will be subject to enforcement action if

2(q)(1)(A): Its labeling bears any statements, designs, or graphic representations relative thereto or to its ingredients which are false or misleading in any particular;

2(q)(1)(B): Its packaging or wrapping fails to conform with standards established pursuant to section 25(c)(3) (Such standards have not, as of this date, been issued by the Administrator; at such time as they are, the question of their applicability to devices will be addressed);

2(q)(1)(C): It is an imitation of, or is offered for sale under the name of another device;

2(q)(1)(D): Its label fails to bear the establishment number;

2(q)(1)(E): Required information is not prominently displayed on the label;

2(q)(1)(F): It lacks adequate directions for use; or

2(q)(1)(G): It lacks an adequate warning or caution statement.

40 CFR 162.10(a)(5) provides an interpretation of what the term "false and misleading" may include in the context of FIFRA section 2(q)(1)(A) misbranding:

A false or misleading statement concerning the composition of the product;

A false or misleading statement concerning the effectiveness of the product;

A false or misleading statement about the value of the product for purposes other than as a device;

A false or misleading comparison with other devices;

Any statement directly or indirectly implying that the device is recommended or endorsed by any agency of the Federal Government;

A true statement used in such a way as to give a false or misleading impression to the purchaser;

Label disclaimers which negate or detract from labeling statements required under the Act and regulations; or

Non-numerical and/or comparative statements on the safety of the product.

B. Section 7, *Registration of Establishments* (7 U.S.C. 136e). On November 6, 1973, regulations (40 CFR Part 167) for the implementation of section 7, Registration of Establishments, were published in the FEDERAL REGISTER (38 F.R. 30557). The scope of the requirements is set forth at § 167.2(a): "All establishments, as defined in this part, which produce any pesticide or device subject to the provisions of this section, must be registered pursuant to the requirements of these regulations * * * At § 167.1(k) the term "device" is defined as "any device or class of devices as defined by the Act and determined by the Administrator

pursuant to section 25(c) to be subject to the provisions of section 7 of the Act."

Section 7 imposes three basic requirements: (1) Registration of device-producing establishments, (2) labeling which reflects the EPA establishment number assigned to the establishment in which the device was produced, and (3) submission of annual production reports.

All establishments in which devices subject to the Act are produced must be registered with the Environmental Protection Agency as producing establishments. This includes foreign establishments in which devices shipped to the United States are produced, as well as establishments located in the United States which produce devices for export.

To register establishments, producers should obtain from an EPA regional office the Application for Registration of Pesticide-Producing Establishments (EPA Form 3540-8). The applications require such information as the name and address of the company headquarters and the names and addresses of all device-producing establishments owned and operated by the company. This application must be submitted to the regional office on or before January 18, 1976. Upon receipt of a completed application, the regional office shall register each establishment listed and shall assign each establishment an EPA establishment number. This EPA establishment number must be displayed on all devices released for shipment by the establishment after 90 days after the producer is notified of the assigned number.

The production reports (EPA Form 3540-16) must be submitted to the regional office within thirty days after notification of registration and by February 1 each year thereafter.

C. Section 8, *Books and Records* (7 U.S.C. 136f). On September 18, 1974, regulations (40 CFR Part 169) for the implementation of section 8, Books and Records, were published in the FEDERAL REGISTER (39 F.R. 33512). Pursuant to the authority of section 8(a) of the Act, these regulations (at 40 CFR 162.2) specify those records pertaining to development, testing, production, holding, and distribution, which all producers of devices declared subject to the Act are required to maintain and submit to inspection. These requirements apply to domestic and foreign persons producing devices for sale and distribution in the United States and to domestic producers who export devices.

Specifically, producers of devices subject to the Act are required to maintain the following records:

169.2(b): Records showing the brand names and quantities of devices produced. These records shall be retained for two years.

169.2(c): Records showing the following information regarding the receipt of devices: (1) Brand name of device, (2) Name and address of shipper, (3) Name of delivering carrier, (4) Date received, and (5) Quantities received.

These records shall be retained for two years.

169.2(d): Records showing the following information regarding the shipment of devices: (1) Brand name of device, (2) Name and address of the consignee, (3) Name of originating carrier, (4) Date shipped or delivered for shipment, and (5) Quantities shipped or delivered for shipment.

These records shall be retained for two years.

169.2(e): Inventory records with respect to the types and amounts of devices in stock which he has produced. These records may be disposed of when a more current inventory record is prepared.

169.2(h): In the case of devices intended solely for export to any foreign country, copies of the specifications or directions of the foreign purchaser for the production of the devices. These records shall be retained for two years after expiration of the contract.

Pursuant to the authority of section 8(b) of the Act, 40 CFR 169.3(b) requires that distributors, carriers, dealers or other persons who sell or deliver (or offer to sell or deliver) devices declared subject to the Act, allow inspection of the records they have pertaining to the following:

(1) The delivery or holding of the device and quantity held; (2) Date of shipment and receipt; (3) Name and address of consignee and consignor; and (4) Any guarantees received pursuant to section 12(b)(1).

D. Section 17, *Imports and Exports* (7 U.S.C. 136o). On August 1, 1975, regulations (19 CFR Part 12.1) for the implementation of section 17, Imports and Exports, were published in the FEDERAL REGISTER (40 FR 32321). These regulations require that devices produced by foreign manufacturers and imported into the United States comply with all requirements applicable to domestic producers. In addition, the regulations require an importer to submit to EPA a Notice of Arrival of Pesticides and Devices (EPA Form 3540-1, available at any EPA office) for review and determination as to whether the shipment should be sampled and/or permitted entry into the United States. The Act also provides that samples may be collected and examined and that shipments may be permitted entry, detained until brought into compliance, destroyed, or re-exported.

With respect to devices produced in this country for export, section 17(a) of the FIFRA as amended requires that such devices must be prepared or packed in accordance with the specifications or directions of the foreign purchaser and that producers of such devices must maintain books and records pursuant to section 8(a).

VI. ENFORCEMENT AUTHORITIES

Section 9(a) (7 U.S.C. 136(g)(a)) of the Act authorizes officers of the Agency to inspect any establishment or other place where a device is held for distribution or sale in order to obtain a sample of the device as packaged, labeled and released for shipment, and samples of any containers or labeling for the device. Officers of the Agency are also authorized

to inspect books and records required to be maintained under section 8(a) and copies of records which are available under section 8(b).

Pursuant to section 12(a)(2)(B) of the Act, it is unlawful for any person to refuse to keep or to permit inspection of books and records, or to refuse to permit inspection of an establishment. Pursuant to section 12(a)(1)(F) of the Act, it is unlawful to sell or distribute any device which is misbranded. Finally, pursuant to section 12(a)(2)(L) of the Act, it is unlawful to violate any provision of section 7.

Upon a finding of any unlawful act, the Administrator may assess a civil penalty pursuant to section 14(a) of the Act or initiate criminal proceedings pursuant to section 14(b) of the Act. If, upon inspection or tests, a device is believed to be in violation of the Act, or if it is believed that a device is intended to be distributed or sold in violation of the Act, a Stop Sale, Use or Removal Order may be issued pursuant to section 13(a). Additionally, section 13(b) authorizes in rem seizure proceedings in a federal district court against any device which is misbranded or which, when used in accordance with the requirements imposed under the Act causes unreasonable adverse effects upon the environment. Finally, the Administrator may seek injunctive relief pursuant to section 16(c) to prevent and restrain violations of the Act.

VII. PUBLIC COMMENT

The Administrative Procedure Act (5 U.S.C. 533(b)) provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice." EPA has determined that this Notice falls within this exemption from the requirement to solicit public comment. Nonetheless, interested persons may submit written comments regarding the policy set forth in this Notice to the Pesticides and Toxic Substances Enforcement Division (EN-342), Office of Enforcement, U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Three copies of these comments should be submitted to facilitate the work of the EPA and others interested in inspecting such documents.

Dated: November 8, 1976.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

[FR Doc. 76-34119 Filed 11-18-76; 8:45 am]

[FRL 646-2; OPP-30114A]

PESTICIDE PROGRAMS

Approval of Application to Register Pesticide Product Containing A New Active Ingredient and Waiver of Data

On April 21, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 16692) that the United States Forest Service (USFS), 1205-B (RPE), 14th and Independence Ave. SW., Wash-

ington, D.C. 20250, had filed an application with the EPA to register the pesticide product TM BIOCONTROL-1 containing 3.5 percent of the active ingredient polyhedral inclusion bodies of Douglas Fir Tussock Moth nucleopolyhedrosis virus which was not previously registered at the time of submission. The application received from the USFS proposed that the product be used in aerial application to control Douglas Fir Tussock Moth and that the product be classified for general use, PM17.

Having considered the evidence submitted by USFS in their application for registration and the data submitted in support thereof, the Administrator has made a written finding pursuant to the regulations (40 CFR 180.6(a)(3)) with respect to whether such properties of TM Biocontrol-1 are fundamentally different from the factors considered by EPA in establishing the data requirements set forth in the Registration Guidelines. Although the Guidelines were published as proposed rules in the FEDERAL REGISTER on June 25, 1975 (40 FR 26802), and have not as yet been promulgated in their final form, the basic data requirements set forth in the proposed Guidelines represent the data currently considered necessary to support the registration of a pesticide product. Accordingly, the notification of data waiver will apply to the supporting data now required by the Agency and set forth in the proposed Guidelines.

The Administrator has found that the submission of certain data is not necessary for determining whether TM Biocontrol-1 will generally cause unreasonable adverse effects on man or the environment. Specifically, the following required data have been waived by the Administrator for the polyhedral inclusion bodies of the nucleopolyhedrosis virus of the Douglas Fir Tussock Moth:

1. Avian 8-day dietary LC₅₀ study utilizing a native upland game bird, preferably bobwhite quail.
2. Acute LC₅₀ studies to 96 hours on a native cold and warm water species of fish, preferably utilizing trout and bluegill sunfish.
3. Acute aquatic invertebrate LC₅₀ to 48 hours, preferably utilizing daphnia sp.

The primary basis of this waiver is due to the natural presence of the nucleopolyhedrosis virus in the environment and its role in bringing about the collapse of epizootic Douglas Fir Tussock Moth populations. During outbreaks of the Tussock Moth, large amounts of this virus are naturally released into the environment. Moreover, data presented by the registrant demonstrate that a much greater amount of this virus is released naturally into the environment through the collapse of Douglas Fir Tussock Moth populations than is released through the application of this product as a suppression measure.

Finally, it should be noted that this product can be used against only one pest, the Douglas Fir Tussock Moth, and that infestations of this pest are cyclic in nature; the maximum use of this product

would likely be once in 6 to 10 years, and therefore exposure of fish and wildlife to this product would be minimal. Because the data submitted by the registrant have adequately demonstrated that this product is fundamentally different from the products for which the fish and wildlife testing requirements were designed, a waiver of the data listed above is both appropriate and acceptable.

This application was approved August 11, 1976, and the product has been assigned the EPA Registration No. 27586-1. Notice of registration is given in accordance with the regulations (40 CFR 180.7(d)(2)) for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751, 7 U.S.C. 136(a) et seq.).

Test data and other information submitted in support of this registration as well as such other scientific information deemed relevant to the registration decision, except for such material protected by section 3(c)(1)(D) and section (10) of FIFRA, will be available for public inspection in the office of the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room EB-31, East Tower, 401 M St., Washington, D.C. 20460.

It is suggested that persons interested in viewing these data notify the Information Coordination Section, either by letter at the above address or by telephone at 202/426-2690, prior to visiting the EPA Headquarters Office so that clearance procedures may be instituted and the appropriate data made available for review purposes pursuant to the regulations for section 3(c)(2) of FIFRA (40 CFR 162.7(f)).

Dated: November 15, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticides Program.

[FR Doc. 76-34120 Filed 11-18-76; 8:45 am]

[FRL 647-2; OPP-30000/9]

PESTICIDE PROGRAMS

Intent to Process Pesticide Products for Reregistration—Sperm Whale Oil

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA) has determined that the use of pesticide products containing sperm whale oil which has already been stockpiled does not result in fatality to members of endangered species; accordingly, such product registrations will be returned to the Registration Division, Office of Pesticide Programs, for processing according to normal reregistration and classification procedures.

I. *Regulatory provisions.* On July 3, 1975 (40 FR 28242), EPA promulgated regulations (40 CFR 162) for the registration, reregistration, and classification of pesticides, pursuant to Section 3 of the Federal Insecticide, Fungicide and